



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes

November 13, 2007

Present:

ES: Ed Smith, Chairman

JK: Jeffery Kablik

WL: William Look

MM: Matt Marro, Conservation Director

HJ: Henry Jungmann, Vice-Chairman

LG: Lucy Gertz

RS: Robert Sherburne

Absent:

PB: Paul Barker

7:00 Meeting opened by Ed Smith

7:00 James Cerretti – 19 Lands End Road (Map 32a, Parcel 102, Lot 0) – Request for Determination of Applicability- Proposed 2' wide by 100' long ashlar granite wall with footing and foundation along the property line.

HJ: Motion waive the reading of the legal notice

RS: 2nd the motion

Unanimous 6-0

HJ: Motion to waive the reading of the abutters list

RS: 2nd the motion

Unanimous 6-0

This is an after the fact filing for work started on this wall without a Director's Determination. This 3' high wall would run from Lands End Road along the property line and will be 40' from the resource area. After a site visit, the Director has recommended a Negative Determination.

JK: Motion to close the hearing for **19 Lands End Road.**

HJ: 2nd the motion

Unanimous 6-0

JK: Motion to issue a Negative Determination for **19 Lands End Road.**

HJ: 2nd the motion

Unanimous 7-0

7:15 William Berry – 167 Scribner Road (Map 8, Parcel 29, Lot 0) – Notice of Intent – Proposed repair of a failed septic system.

HJ: Motion waive the reading of the legal notice

RS: 2nd the motion

Unanimous 6-0

HJ: Motion to waive the reading of the abutters list

RS: 2nd the motion

Unanimous 6-0

Jeff Hannaford appeared as the representative for **Mr. Berry** for the installation of a new Presby Enviro-Septic Leaching System. The wetlands have been flagged and verified for this project and have since receded some. The wetland fluctuates due to beaver activity. The new system will consist of both a pump and a septic chamber. The new leaching area will be raised and away from the wetlands and per design, must have a high and low vent with the high vent 10' above the low vent. It will also be moved to accommodate the 100' restriction from the well. The Presby system is being used because of the well as it will be a 40% reduction in size from the conventional system and still give the correct capacity. Polyethylene barriers will be used to help minimize filling. Variances have been granted and approved by the **Tyngsborough Board of Health**. The existing system which is in the buffer zone will be emptied and crushed.

The pump chamber is a 1000' gallon tank will be water tight and tested. The pump will run on electricity. In case of a power failure, this holding tank is designed for to hold waste for 24 to 48 hours per Title 5 specifications.

The Presby System is considered an Innovative Alternative System and must be approved by the DEP. It must be inspected annually and the report filed with the **Tyngsborough Board of Health**. A deed restriction will be place on this property to assure the inspections carry on to the new owner if the house is ever sold.

HJ: Motion to close the hearing for **167 Scribner Road**.

JK: 2nd the motion

HJ: Motion to issue an **Order of Conditions** for **167 Scribner Road (Map 8, Parcel 29, Lot 0)**, **DEP 309-0808**, per plan titled Subsystem Sewage Disposal System, Drawing #3548, Rev. 3 dated 10/22/07.

JK: 2nd the motion.

Unanimous 6-0

7:30 John Smith – 29 Pleasantview Ave. (M32B, P 39, L 0) - Enforcement order issued for the clearing of Bordering Vegetative Wetlands, creation of a beach and the set up of a dock at 71 Mascuppic Trail (Map 32B, Parcel 33) (Continued from 8/28, 9/11, 9/25 and 10/23)

John Smith did not appear for this hearing. **ES** still would like **Mr. Smith** to appear before the Commission on 11/27/07.

Director's Determinations and Report:

- Site visit to **Club Fleur De Lis, 35 Elm Street (Map31B, P21)** for a proposed installation of a gate to the existing boat ramp as a safety precaution to prevent problems from teenagers. The **Commission** pointed out that this boat ramp is the property of the **Town of Tyngsborough** and is public access to **Long Pond**.
- Site visit to **3 Old Stonehill Road (Map 15, Parcel 21, Lot 8)** regarding the removal of one dying pine tree. No further action is recommended.

HK: Motion to deny the Directors Determination for **35 Elm Street**.

JK: 2nd the motion

Unanimous 6-0

HJ: Motion to approve the Directors Determination for **3 Old Stonehill Road**.

WL: 2nd the motion

Vote5-0 (JK-abstain as an abutter)

Other Business:

❖ Signed Forms/Invoices:

- **152 Massapoag Road (M2, P12, L0) – Negative Determination of Applicability**
- **93 Lakeview Ave. (M25, P57) – Order of Condition for DEP #309-0807**
- **8 Robin Hood Road (M26, P58) – Negative Determination of Applicability**
- **21 Diaz Drive (M8, P47, Lot 8) – Request for a Certificate of Compliance for DEP #309-685**

JK: Motion to issue a **Certificate of Compliance** for **DEP #309-685 21 Diaz Drive (M8, P47, Lot 8)**

RS: 2nd the motion

Unanimous 6-0

- **88 Jacques Road (M8, P7, L32) – Request for a Certificate of Compliance for DEP 309-412**

HJ: Motion to issue a **Certificate of Compliance** for **DEP #309-412** for **88 Jacques Road (M8, P7, L32)**

JK: 2nd the motion

Unanimous 6-0

- **44 Cummings Road (M13, P18) - Certificate of Compliance for DEP 309-425**

HJ: Motion to issue a **Certificate of Compliance** for **DEP 309-425** for **44 Cummings Road (M13, P18)**

RS: 2nd the motion

Unanimous 6-0

❖ **Minutes/Other Business**

- **LG** to work on a new 5 year plan for the **Sherburne House**.
- Minutes from 10/23/07/07 meeting

JK: Motion to accept the minutes from 10/23/07.

HJ: 2nd the motion

Unanimous 6-0

Meeting adjourned at 8:15 PM

HJ: Motion to adjourn

RS: 2nd the motion

Unanimous 6-0

Respectfully submitted

Karen Steeves, Conservation Clerk